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November 8, 2004

## FAX

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Brenda O. Holmes

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6559

44471/287892

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## COMMENTS

Applicant:	Makoto OTSUKAI et al.
Title:	Sand Pile Driving Method
Serial No./Docket No.:	10/624,930
Filed:	09/05/2000

## PAPERS SUBMITTED:

1. PTOSB/21 - Transmittal form;
2. PTO/SB/17 - Fee Transmittal for FY2005;
3. First Response in application, response to non-final Office Action of 08/06/04.

Date: November 8, 2004

By: Brenda O. Holmes, Reg. No. 40,339

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PTO/SB/21 (09-04)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/624,930

Filing Date

07/21/2003

First Named Inventor

Makoto OTSUKA et al.

Art Unit

3673

Examiner Name

John J. Kreck

Attorney Docket Number

44471/287892

## ENCLOSURES (Check all that apply)

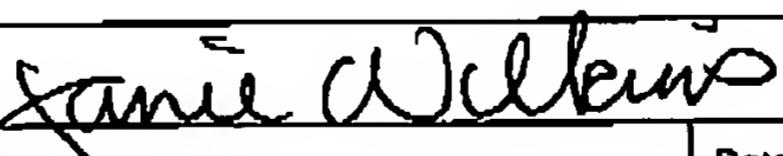
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application		
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	KILPATRICK STOCKTON LLP		
Signature			
Printed name	Brenda O. Holmes		
Date	11-08-2004	Reg. No.	40,339

## CERTIFICATE OF TRANSMISSION/MAILING

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Signature	
Typed or printed name	Janie Wilkins
	Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including the gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-04)

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# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 176)

## Complete if Known

Application Number	10/624,930
Filing Date	07/21/2003
First Named Inventor	Makoto OTSUKA et al.
Examiner Name	John J. Kreck
Art Unit	3673
Attorney Docket No.	44471/287892

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None  
 Deposit Account
Deposit Account Number  
Deposit Account Name

11-0855

KILPATRICK STOCKTON LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395			Utility filing fee	
1002 350	2002 175			Design filing fee	
1003 550	2003 275			Plant filing fee	
1004 790	2004 395			Reissue filing fee	
1005 160	2005 80			Provisional filing fee	
SUBTOTAL (1) (\$)					

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
13	6		- 20 - 4	0 X 18 = 0	0
				2 X 88 =	176

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9			Claims in excess of 20
1201 68	2201 44			Independent claims in excess of 3
1203 300	2203 150			Multiple dependent claim, if not paid
1204 88	2204 44			** Reissue independent claims over original patent
1205 18	2205 9			** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)				176

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65			Surcharge - late filing fee or oath	
1052 50	2052 25			Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130			Non-English specification	
1812 2,520	1812 2,520			For filing a request for ex parte reexamination	
1804 920*	1804 920*			Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*			Requesting publication of SIR after Examiner action	
1251 110	2251 55			Extension for reply within first month	
1252 430	2252 215			Extension for reply within second month	
1253 980	2253 490			Extension for reply within third month	
1254 1,530	2254 765			Extension for reply within fourth month	
1255 2,080	2255 1,040			Extension for reply within fifth month	
1401 340	2401 170			Notice of Appeal	
1402 340	2402 170			Filing a brief in support of an appeal	
1403 300	2403 150			Request for oral hearing	
1451 1,510	1451 1,510			Petition to institute a public use proceeding	
1452 110	2452 55			Petition to revive - unavoidable	
1453 1,330	2453 665			Petition to revive - unintentional	
1501 1,370	2501 885			Utility issue fee (or reissue)	
1502 490	2502 245			Design issue fee	
1503 660	2503 330			Plant issue fee	
1460 130	1450 130			Petitions to the Commissioner	
1807 50	1807 50			Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180			Submission of Information Disclosure Stmt	
8021 40	8021 40			Recording each patent assignment per property (times number of properties)	
1809 790	2809 395			Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395			For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395			Request for Continued Examination (RCE)	
1802 800	1802 900			Request for expedited examination of a design application	
Other fee (specify)					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ 0)					

(Complete if applicable)

Name (Print/Type)	Brenda O. Holmes	Registration No. (Attorney/Agent)	40,339	Telephone	404.815.6500
Signature	<i>Brenda O. Holmes</i>			Date	11-08-2004

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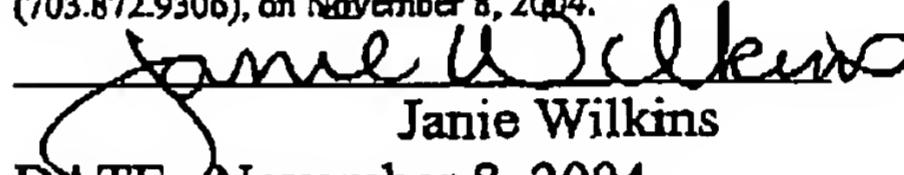
NOV 08 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 Makoto OTSUKA, et al. ) Art Unit: 3673  
 Serial No. 10/624,930 ) Examiner: Kreck, John J.  
 Filed: July 21, 2003 )  
 For: Sand Pile Driving Method ) Attorney Docket No. 44471/287892

## CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being transmitted to the  
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 (703.872.9306), on November 8, 2004.

  
 Janie Wilkins

DATE: November 8, 2004

**FIRST RESPONSE**

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Responsive to the Office action dated August 6, 2004 in the patent application identified above, please enter the following amendments and reconsider the application in view of the appended remarks.

Amendments to the Claims are reflected in the listing of claims, which begins on page 2 of this paper.

Amendments to the Drawings begin on page 8 of this paper and include attached annotated sheets showing changes.

Remarks begin on page 9 of this paper.